

REMARKS

Status of the Claims

Claim 15 was canceled previously. Claims 1 to 14 are amended. Therefore, with this paper, claims 1-14 are currently pending and under examination.

The amendments to the claims were to place the claims in more appropriate form for U.S. practice. Support for the additional amendments in claims 1 and 14 can be found at page 4, the last paragraph and at page 5, the second paragraph and particularly at lines 10-12 of the specification. Accordingly, no new matter has been added.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 8-10 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 1351878. The reference describes a feed in the form of an elongated bar comprising a plurality of spaced sections. Nowhere does the reference disclose a bar that contains feed mixtures that are extruded or rolled. Thus the reference does not disclose all of the limitations of the claims. The rejection should be withdrawn.

Claims 1, 3, 5-6, 7-10, 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Axelrod (USP 5,128,153). The Axelrod patent is directed to fish food pellets *consisting essentially of a core and a plurality of concentric....layers* (claim 1). The patent does not describe a feed that contains extruded and rolled feed mixtures. The Axelrod patent does not anticipate the above claims and the rejection should be withdrawn.

Claim Rejections – 35 U.S.C. § 102/Claim Rejections 35 U.S.C. § 103

Claims 1-2, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bansal (USP 4,542,686) or DE 3212406. The ‘686 patent describes a method and apparatus for making a pet food that has the appearance of “marbled meat”. (Col. 5, l. 16 and col. 7, l. 47). The ‘686 patent, however, fails to teach feedstuff containing rolled feed mixtures. Thus the reference does not

teach each and every element of the present claims and thus does not anticipate the claims. The rejection should be withdrawn.

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bansal (USP 4,542,686). For the same reasons as provided above, the Bansal patent does not anticipate claim 14.

With regards to obviousness, it is the Examiner's position that the Bansal feed although directed to dogs, it would be obvious to adapt the feed to aquatic animals. Applicants respectfully disagree. The Bansal feedstuff has the appearance of marbled meat (col. 5, l. 16) and thus has high appeal when fed to dogs (col. 7, l. 47). Moreover, Bansal is not concerned with selective feeding. Thus, a skilled artisan would not see this reference as being relevant for the development of a feed for aquatic animals. Furthermore, the reference states that it is preferred that the *white food* (which is part of the marbled product together with a red pet food stream) is located in *a plurality of medical locations* within the product (col. 5, l. 58). Thus, a medial location is such that in the merged pet food stream, *the white pet food is completely enveloped by the red pet food and not peripheral to the red pet food* (col. 5, ll. 64-68). Such an arrangement is in stark contrast to the present claimed feed for aquatic animals wherein the feed mixtures are in contact at only a minimal area, which is achieved by extruding and rolling the feed mixtures. Accordingly, the Bansal reference does not render claim 14 obvious. The rejection should be withdrawn.

Claims 1-6, 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Geromini et al (USP 5,695,797). With regard to the rejection under § 102(b), the product described by Geromini has an outer casing and an inner filling like sausage. The reference does not teach nor describe a food product subjected to any rolling to provide a rolled feed mixture as presently claimed. Thus, the '797 patent does not anticipate the presently claimed invention. The rejection should be withdrawn.

With regard to the rejection under § 103(a), as noted above, the product contains an outer casing and an inner filling *in liquid, semi-liquid or powder form* (col. 1, ll. 10-12), which is designed for animal foodstuffs, *for example for pets such as cats and dogs* (col. 1, ll. 41-3). The product may appear as a *stuffed sausage with a diameter of 20 mm* (col. 3, ll. 64-6). The '797 patent is not concerned with selective feeding.

The Examiner again erroneously considers this reference as being obvious to adapt the teachings to aquatic animals. On the contrary, the product is completely different from the present invention and one skilled in the relevant art would not consider the teachings of the '797 patent when developing a feed for aquatic animals. Because of the consistency of the inner filling of the Geromini product, the outer casing must entirely cover the inner filling. This arrangement leads to a large area which the filling and the casing come in contact, contra to the present invention. In addition, the skilled artisan would not consider rolling the food of the Geromini reference because such rolling could burst the outer casing causing leakage of the inner filling. On this basis, the reference does not render obvious the presently claimed invention. The rejection should be withdrawn.

For the foregoing reasons, it is respectfully submitted that the present claims are patentable over the cited references. The prior art are either far from being relevant for aquatic animal feeds, include requirements which would impede any development in the direction of the presently claimed feed, or lack any suggestion as a starting point or motivation for a skilled artisan to develop the presently claimed aquatic feed.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

U.S. Patent Application Serial No. 10/509,958
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Reply to Office Action of May 1, 2008

The Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment, to Deposit Account No. 13-2725.

Respectfully submitted,

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